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15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE DISTRICT OF ARIZONA

17 Equal Employment Opportunity)
18 Commission,) CV-04-2062-PHX-DGC
19 Plaintiff,)
20 vs.) PLAINTIFF EEOC'S
21 Go Daddy Software, Inc.,) SUPPLEMENTAL BRIEF
22 Defendant.) ON RECORD KEEPING
23
24

25 After researching the issue, the Commission does not contest Defendant's claim
26 that the Commission's Record Keeping allegation, set forth in paragraph 9 of its
27 Complaint, is an issue for the Court. The Commission has advised Defendant of its
28 position.

29 The Commission, however, requests that the issue be submitted to the jury for an
30 advisory opinion and included in the Claims and Defenses read to the jury. The evidence
31 related to the claim is relevant to the Commission's allegations of discrimination and, as
32 acknowledged by Defendant, the evidence is also relevant to the issue of punitive

1 damages.

2 Given the evidence related to the claim overlaps with other issues and will come
3 out during the course of the trial, the Commission's requested course of action will reduce
4 confusion for the jury and not prejudice Defendant.

5
6 RESPECTFULLY SUBMITTED this 8th day of December , 2006.

7 MARY JO O'NEILL
8 Regional Attorney

9 SALLY C. SHANLEY
10 Supervisory Trial Attorney

11 s/Patrick Lopez
12 P. DAVID LOPEZ
13 Trial Attorney

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1 **CERTIFICATE OF SERVICE**

2 I certify that on this 8th day of December, 2006, I electronically transmitted the
3 attached document to the Clerk's Office using the CM/ECF System for filing and
4 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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